

14P7 Rec'd PCT/PTO 30 JAN 2006

**BEST AVAILABLE COPY**

PATENT

Customer No. 22,852

Attorney Docket No. 05394.0021

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
GROSJEAN-COURNOYER et al.	)	Group Art Unit: Not assigned
	)	
Application No.: 10/507,416	)	Examiner: Not assigned
	)	
Filed: September 13, 2004	)	
	)	
For: MUTAGENESIS OF	)	Confirmation No.: 6278
ASPERGILLUS FUNGI AND	)	
IDENTIFICATION OF GENES	)	
ESSENTIAL FOR GROWTH	)	

**Mail Stop Missing Parts**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTIFICATION  
OF DEFECTIVE RESPONSE**

The Notification of Defective Response dated January 5, 2006, directs applicants to provide a substitute computer readable form (CRF) copy of the Sequence Listing in ASCII format, and a paper copy of the "Sequence Listing", as well as a statement that the content of the sequence listing is identical to the written sequence listing.

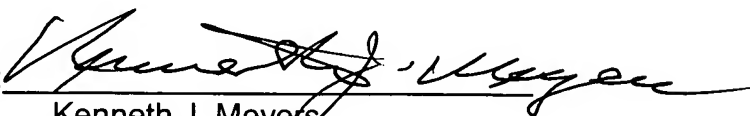
In response, applicants enclose a substitute Sequence Listing in paper and electronic form (ASCII format), a Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825, as well as a copy of the Notification of Defective Response.

Please grant any extension of time required to enter this amendment and charge any additional fees to our Deposit account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 31, 2006

By: 

Kenneth J. Meyers

Reg. No. 25,146

Phone: (202) 408-4033

Fax: (202) 408-4400

email: Ken.Meyers@Finnegan.com



## UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/507,416	Marie-Claire Grosjean-Courmoyer	05394.0021

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/IB03/01374

22852  
 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
 LLP  
 901 NEW YORK AVENUE, NW  
 WASHINGTON, DC 20001-4413

I.A. FILING DATE	PRIORITY DATE
03/13/2003	03/13/2002

CONFIRMATION NO. 6878

371 FORMALITIES LETTER



\*OC000000017776545\*

Date Mailed: 01/05/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 09/13/2004
- Copy of the International Search Report filed on 09/13/2004
- Copy of IPE Report filed on 09/13/2004
- Preliminary Amendments filed on 12/27/2004
- Information Disclosure Statements filed on 12/16/2004
- Biochemical Sequence Diskette filed on 05/27/2005
- Oath or Declaration filed on 05/27/2005
- Biochemical Sequence Listing filed on 05/27/2005
- U.S. Basic National Fees filed on 09/13/2004
- Priority Documents filed on 09/13/2004
- Power of Attorney filed on 05/27/2005

Applicant's response filed 05/27/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 01/28/2005 have not been completed.

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/507,416	PCT/IB03/01374	05394.0021

FORM PCT/DO/EO/916 (371 Formalities Notice)

**STIC Biotechnology Systems Branch**

**RAW SEQUENCE LISTING**  
**ERROR REPORT**

*Please note this report  
with the notification of  
Defective Response.*

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/507,416  
Source: PG 7/10  
Date Processed by STIC: 7/25/05

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER** **VERSION 4.2.2 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>) , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-150
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05): U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/24/05

## Raw Sequence Listing Error Summary

### ERROR DETECTED

### SUGGESTED CORRECTION

SERIAL NUMBER:

10/507,416

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1      Wrapped Nucleics  
    Wrapped Aminos     The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
  
- 2      Invalid Line Length     The rules require that a line not exceed 72 characters in length. This includes white spaces.
  
- 3      Misaligned Amino  
    Numbering     The numbering under each 5<sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
  
- 4      Non-ASCII     The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
  
- 5      Variable Length     Sequence(s)          contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
  


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- 6      PatentIn 2.0  
    "bug"     A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s)         . Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
  
- 7      Skipped Sequences  
    (OLD RULES)     Sequence(s)          missing. If intentional, please insert the following lines for each skipped sequence:  
                               (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  
                                   (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)  
                                   (xi) SEQUENCE DESCRIPTION: SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  
                               This sequence is intentionally skipped  
  
                               Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
  
- 8      Skipped Sequences  
    (NEW RULES)     Sequence(s)          missing. If intentional, please insert the following lines for each skipped sequence.  
                               <210> sequence id number  
                               <400> sequence id number  
                               000
  
- 9      Use of n's or Xaa's  
    (NEW RULES)     Use of n's and/or Xaa's have been detected in the Sequence Listing.  
                               Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.  
                               In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
  
- 10      Invalid <213>  
    Response     Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence
  
- 11      Use of <220>     Sequence(s)          missing the <220> "Feature" and associated numeric identifiers and responses.  
                               Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.  
                               (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
  
- 12      PatentIn 2.0  
    "bug"     Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
  
- 13      Misuse of n/Xaa     "n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid



PCT

## RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/507,416

DATE: 07/25/2005

TIME: 08:51:42

Input Set : N:\Rasheed\PTO.SR.txt

Output Set: N:\CRF4\07252005\J507416.raw

3 <110> APPLICANT: GROSJEAN-COURNOYER, Marie-Claire  
 4 DENFERT, Christophe Didier  
 5 FIRON, Arnaud  
 6 VILLALBA, FranCois  
 7 LEBRUN, Marc-Henri  
 8 BEFFA, Roland  
 10 <120> ~~TITLE OF INVENTION: Mutagenesis of Aspergillus fungi and identification~~  
 11 of genes essential for growth  
 13 <130> FILE REFERENCE: 346 723 - US  
 C--> 15 <140> CURRENT APPLICATION NUMBER: US/10/507,416  
 C--> 15 <141> CURRENT FILING DATE: 2004-09-13  
 15 <150> PRIOR APPLICATION NUMBER: PCT/IB 03/01 374  
 16 <151> PRIOR FILING DATE: 2003-03-13  
 18 <150> PRIOR APPLICATION NUMBER: US 60/363 543  
 19 <151> PRIOR FILING DATE: 2002-03-13  
 21 <150> PRIOR APPLICATION NUMBER: US 60/434 407  
 22 <151> PRIOR FILING DATE: 2002-12-19  
 24 <160> NUMBER OF SEQ ID NOS: 199  
 26 <170> SOFTWARE: PatentIn Ver. 3.2

*see item 4  
on Euro summary sheet*

*pp 1-4*  
 Does Not Comply  
 Corrected Diskette Needed

## ERRORED SEQUENCES

10199 <210> SEQ ID NO: 199  
 10200 <211> LENGTH: 352  
 10201 <212> TYPE: PRT  
 10202 <213> ORGANISM: Aspergillus fumigatus  
 10204 <220> FEATURE:  
 10205 <223> OTHER INFORMATION: Homologue GmZnf1; Phylum CEA284.2;  
 10206 contig 4899 region 477626-479684  
 10207 Protein sequence  
 10209 <400> SEQUENCE: 199  
 10211 Met Ser Val Val Val Leu Val Ser Lys Pro Thr Ala His Phe Ser Glu  
 10212 1 5 10 15  
 10214 Leu Ala Ser His His Arg Val Arg Val Ile Ile Thr Leu Ala Lys Ala  
 10215 20 25 30  
 10217 Thr Met Ser His Pro Asp Leu Ser Thr Ile Leu Glu Val Tyr Pro Glu  
 10218 35 40 45  
 10220 Cys Glu Val Thr Cys Tyr Gly Tyr Ala Pro Ser Gln Arg Arg Arg Cys  
 10221 50 55 60  
 10223 Arg Met Arg Thr Arg Lys Asp Asn Arg Asp Arg Ala Ser Tyr Leu Leu  
 10224 65 70 75 80  
 10226 Glu Glu Gly Thr Arg Tyr Leu Gln Arg Gly Leu Pro Val Asp Gly Leu

## RAW SEQUENCE LISTING

DATE: 07/25/2005

PATENT APPLICATION: US/10/507,416

TIME: 08:51:42

Input Set : N:\Rasheed\PTO.SR.txt

Output Set: N:\CRF4\07252005\J507416.raw

10227		85		90		95
10229	Leu Ile Glu Leu Ala Pro Leu Val Leu Cys Thr Arg Phe His Gln Tyr					
10230		100		105		110
10232	Gln Ala Asp Asp Leu Val Arg Asp Trp Arg Ala Lys Leu Arg Glu Phe					
10233		115		120		125
10235	Gln Gln Gln Thr Leu Leu Asn Ala Met Leu Lys Ser Leu Gln Glu Leu					
10236		130		135		140
10238	Val Asp Ser Arg Ala Arg Ser Arg Ala Ala Arg Ser Ala Gly Arg Arg					
10239	145		150		155	160
10241	Leu Pro Glu Arg Val Ser Ser Pro Thr Arg Leu Glu Arg Ser Ala Ala					
10242		165		170		175
10244	Ile Val Thr Glu Glu Glu Pro Ala Ala Pro Glu Arg Glu Glu Glu Glu					
10245		180		185		190
10247	Glu Glu Arg Gly Asp Arg Glu Asp Glu Pro Glu Pro Glu Pro Glu Pro					
10248		195		200		205
10250	<del>Glu Pro Glu Leu Thr Pro Ser Arg Ser Ser Thr Glu Thr Ser Ser Pro</del>					
10251		210		215		220
10253	Ala Val Glu Ala His Val Ala Glu Pro Thr Val Pro Gln Thr Glu Ser					
10254	225		230		235	240
10256	Arg Arg Val Thr Arg Lys Pro Ile Glu Gly Asp Cys Thr Ile Cys Leu					
10257		245		250		255
10259	Cys Pro Leu Arg Glu Gln Asp Ser Asp Glu Asn Gly Glu Gly Ser Glu					
10260		260		265		270
10262	Asp Arg Asp Asp Glu Asn Glu Asp Asp Ala Ala Gly Thr Gly Ser Gly					
10263		275		280		285
10265	Thr Ala Ser Asp Glu His Asp Ala Pro Glu Glu His Asp Asp Asp Asp					
10266		290		295		300
10268	Leu Val Tyr Cys Lys Asn Gln Cys Gly Thr Asn Tyr His Lys Ala Cys					
10269	305		310		315	320
10271	Ile Asp Val Trp His Ala Thr Gln Arg Thr Phe Glu Thr Pro Arg Gly					
10272		325		330		335
10274	Asp Pro Ile Gly Leu Ser Cys Pro Tyr Cys Arg Ala Ala Trp Ser Ser					
10275		340		345		350

E--&gt; 10282 1

*delete**see p.3*



10/5074/16

3

<210> 65  
<211> 35  
<212> DNA  
<213> Artificial sequence

<220>  
<223> PCR primer PCRa1 1

<220>  
<227> <223> misc\_feature  
<2227> <223> (21)..(30)  
<223> n is a, c, g, or t

<400> 65  
ggccacgcgt cgactagtag nnnnnnnnnn gatat

35

*This error appears in subsequent sequences.*

The types of errors shown exist throughout the Sequence Listing. Please check subsequent sequences for similar errors.

*see p.4*

VARIABLE LOCATION SUMMARY  
PATENT APPLICATION: US/10/507,416

4  
DATE: 07/25/2005  
TIME: 08:51:44

Input Set : N:\Rasheed\PTO.SR.txt  
Output Set: N:\CRF4\07252005\J507416.raw

FYI

Use of n's or Xaa's (NEW RULES):

Use of n's and/or Xaa's have been detected in the Sequence Listing.

Use of <220> to <223> is MANDATORY if n's or Xaa's are present.

in <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.

Seq#:65; N Pos. 21,22,23,24,25,26,27,28,29,30

Seq#:66; N Pos. 21,22,23,24,25,26,27,28,29,30

Seq#:67; N Pos. 21,22,23,24,25,26,27,28,29,30

Seq#:68; N Pos. 21,22,23,24,25,26,27,28,29,30

Seq#:171; N Pos. 683

Seq#:172; N Pos. 183

Seq#:173; N Pos. 183

VERIFICATION SUMMARY

PATENT APPLICATION: US/10/507,416

DATE: 07/25/2005

TIME: 08:51:44

Input Set : N:\Rasheed\PTO.SR.txt

Output Set: N:\CRF4\07252005\J507416.raw

L:15 M:270 C: Current Application Number differs, Replaced Current Application No  
 L:15 M:271 C: Current Filing Date differs, Replaced Current Filing Date  
 L:3463 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:65  
 L:3464 M:258 W: Mandatory Feature missing, <221> Tag not found for SEQ ID#:65  
 L:3464 M:258 W: Mandatory Feature missing, <222> Tag not found for SEQ ID#:65  
 L:3464 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:65 after pos.:0  
 L:3481 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:66  
 L:3482 M:258 W: Mandatory Feature missing, <221> Tag not found for SEQ ID#:66  
 L:3482 M:258 W: Mandatory Feature missing, <222> Tag not found for SEQ ID#:66  
 L:3482 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:66 after pos.:0  
 L:3499 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:67  
 L:3500 M:258 W: Mandatory Feature missing, <221> Tag not found for SEQ ID#:67  
 L:3500 M:258 W: Mandatory Feature missing, <222> Tag not found for SEQ ID#:67  
 L:3500 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:67 after pos.:0  
 L:3517 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:68  
~~L:3518 M:258 W: Mandatory Feature missing, <221> Tag not found for SEQ ID#:68~~  
 L:3518 M:258 W: Mandatory Feature missing, <222> Tag not found for SEQ ID#:68  
 L:3518 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:68 after pos.:0  
 L:8642 M:258 W: Mandatory Feature missing, <221> Tag not found for SEQ ID#:171  
 L:8642 M:258 W: Mandatory Feature missing, <222> Tag not found for SEQ ID#:171  
 L:8642 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:171 after pos.:660  
 L:8678 M:258 W: Mandatory Feature missing, <221> Tag not found for SEQ ID#:172  
 L:8678 M:258 W: Mandatory Feature missing, <222> Tag not found for SEQ ID#:172  
 L:8678 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:172 after pos.:180  
 L:8705 M:258 W: Mandatory Feature missing, <221> Tag not found for SEQ ID#:173  
 L:8705 M:258 W: Mandatory Feature missing, <222> Tag not found for SEQ ID#:173  
 L:8705 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:173 after pos.:180  
 L:10282 M:332 E: (32) Invalid/Missing Amino Acid Numbering, SEQ ID:199

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: 05394.0021

In re patent application of

GROSJEAN-COURNOYER, MARIE-CLAIRE et al.

Serial No. 10/507,416

Filed: September 13, 2004

For: MUTAGENESIS OF ASPERGILLUS FUNGI AND IDENTIFICATION OF GENES ESSENTIAL  
FOR GROWTH

STATEMENT TO SUPPORT FILING AND SUBMISSION IN  
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Mail Stop SEQUENCE

Sir:

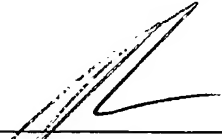
In connection with a Sequence Listing submitted concurrently  
herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37  
C.F.R. § 1.821(g), does not include new matter;

2. the content of the attached paper copy and the  
attached computer readable copy of the Sequence Listing, submitted in  
accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same.

Respectfully submitted,

Jan. 18, 2006  
Date

  
\_\_\_\_\_  
James A. Coburn

HARBOR CONSULTING IP SERVICES, INC.  
1500A Lafayette Road, #262  
Portsmouth, N.H. 03801  
800-318-3021

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